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C. Suresh Kumar

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EXAMINER

DONLON, RYAN D

ART UNIT

PAPER NUMBER

3695

NOTIFICATION DATE

DELIVERY MODE

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ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

krvuspto@ipmatters.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/537,636	<b>Applicant(s)</b> KUMAR ET AL.	
	<b>Examiner</b> RYAN D. DONLON	<b>Art Unit</b> 3695	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 10-20, 23, 42-44, 51-61, 64, 83, 93, 94 and 96-107 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 10-20, 23, 42-44, 51-61, 64, 83, 93, 94 and 96-107 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Status of Claims***

1. The amendments filed on 14 March 2011 have been entered. Claims 44 and 95 have been canceled. Claims 1-3, 10-20, 23, 42-44, 51-61, 64, 83, and 93, 94 and 96-107 are pending and have been examined.

### ***Claim Rejections - 35 USC §101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 42-44, 51-61 and 64 are rejected under 35 U.S.C. 101 because based upon consideration of all of the relevant factors with respect to the claims, considered as a whole, are held to claim a medium consisting of merely intangible transitory signals *per se*, and are therefore rejected as ineligible subject matter under 35 U.S.C. § 101. The Examiner suggests language similar to “tangible computer readable medium” or “non-transitory computer readable medium”.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 83, 93-94, 96-107 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 83 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are the relationships between the processor and the hardware logic.

7. Dependant claims are rejected by virtue of depending from the rejected claim.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-3, 10-14 17-20, 23, 42-44, 51-55, 57-61, 64, 83, 93-100 and 103-107 are rejected under 35 U.S.C. 103(a) as being unpatentable over Federau et al., US 5,839,113 (hereinafter Federau)

As per **claim 1**:

Federau teaches a method for evaluating risk associated with underwriting an insurance policy, comprising:

receiving, by the computer including the processor, from a user, in real-time,

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setup of multiple perils that impact assessment of risk that includes, for each of the multiple perils:

selection of ring details that specifies a number of rings, a unit of measurement for the rings, and spacing for each of the rings from a location (see column 13 lines 65-67, the selection is a single county, the unit is count and the rings are spaces around the county see)

selection of a damage rate for each of the rings (see Table 3, Table 5, and Figure 18);

and selection of Probable Maximum Loss (PML) ratings for each of the [locations] and for different types of insurance policies (see column 4 lines 48-52 and column 13 lines 49-55);

receiving, by the computer including the processor, one or more locations to be covered under the insurance policy for one or more perils; automatically assessing, by the computer including the processor, risk associated with the one or more locations and the one or more perils (see column 14 lines 12-18);

in response to a request for rating results, displaying, by the computer including the processor, rating results that include, for each of the one or more locations, for each of the perils, an indication of whether that peril is associated with a pass, a fail or an escalate value (reads on "R" see column 14 lines 28-31); and

in response to a request for risk analysis with selection of one of the locations, displaying, by the computer including the processor, for each of the rings displaying a total liability and a PML (see column 3 lines 15-21 and column 14 lines 12-18).

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10. **In the same embodiment Federau does not teach** the setup from a user in real-time of a selection of an event type;

11. **However in separate embodiments Federau teaches** the old and well known selection of an event type see column 5 lines 32-38 which teach events and optional events);

12. It would have been obvious to one of ordinary skill in the art to include in the practice of real time user setup of Federau, the practice of a selection of an event type as taught by Federau because this would allow the user to enter data manually or even override data. Further because the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

13. **Also, in the same embodiment Federau does not teach** in response to a request for rating results, displaying a map illustrating the risk rings centered around the selected location.

14. **However in separate embodiments Federau teaches** displaying a map illustrating the risk rings centered around the selected location (see Figures 2-6).

15. It would have been obvious to one of ordinary skill in the art to include in the practice of responding to a request for rating results of Federau, the practice of displaying a map as taught by Federau because the result would allow the user to see the weather patterns. Further, the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the

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same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

16. Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings Federau to obtain the invention as specified in claim 1.

17. As per **claim 2**:

**Federau discloses** a method of claim 1, wherein automatically assessing further comprises:

applying at least one business rule (column 3 lines 33-43).

18. As per **claim 3**:

**Federau discloses** a method of claim 1, further comprising:

providing selection of at least one of an underwriting analysis and a risk analysis (reads on "R" see column 14 lines 28-31).

19. As per **claim 10**:

**Federau discloses** a method of claim 1, wherein a location is selected by at least one of a company search, an address search (reads on state and county search), or uploading a file (see column 13 line 65 - column 14 line 3).

20. As per **claims 11**:

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21. **Federau does not teach** the method of claim 1, wherein a location is selected by a company search and wherein the selection comprises:

receiving at least part of a company name;

searching for the company name in a business data store;

and retrieving at least one address from the searching

22. **However Official Notice is taken** that it was old and well known at the time of the invention to look up a company name and retrieve the address from a business data store. For Example, the yellow pages.

23. It would have been obvious to one of ordinary skill in the art to include in the practice of looking up a location by an address, the practice of looking up an address by a business name as was old and well known because this would allow users to forget the addresses of business and still be able to analyze the business. Further, because the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

24. As per **claim 12**

25. **Federau does not teach** the method of claim 11, further comprising: determining that there are ambiguous addresses for the company name; and providing selection of at least one of the addresses



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26. **However Official Notice is taken** that it was old and well known at the time of the invention to look up a company name and retrieve a plurality of addresses from a business data store when there is more than one address listed for the business. For Example, the yellow pages list more than one address when multiple addresses are available for a business.

27. It would have been obvious to one of ordinary skill in the art to include in the practice of looking up a location by an address, the practice of looking up an address by a business name as was old and well known because this would allow users to forget the addresses of business and still be able to analyze the business. Further, because the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

28. As per **claim 13**:

**Federau does not teach** the method of claim 1, wherein selection of a location by an address search further comprises:

receiving a street address and at least one of a zip code and a city and state.

29. **However Official Notice is taken** that it was old and well known at the time of the invention to look up a location with a street address and at least one of a zip code. For Example, mapping software allows you to look up location information using street address and zip code.

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30. It would have been obvious to one of ordinary skill in the art to include in the practice of looking up a location by an address, the practice of looking up a location using a street address and zip code as was old and well known because this would allow users to enter addresses when they do not know the county and still be able to analyze the business. Further, because the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

31. As per **claim 14**, the claim recites,

32. **Federau does not teach** the method of claim 1, wherein selection of a location is selected by uploading a file and wherein the selection further comprises:

33. associating data in the file with a predefined format.

34. **However Official Notice is taken** that it was old and well known at the time of the invention to upload an address in a predefined data format. For Example, it was old and well know to upload vCards which are formatted data files containing addresses.

35. It would have been obvious to one of ordinary skill in the art to include in the practice of looking up a location by an address, the practice of uploading a vCard as was old and well known because this would automate a well known practice (e.g. entering an address). Further, because the claimed invention is merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have

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recognized that the results of the combination were predictable.

36. As per **claim 17**:

Federau discloses a method of claim 1, wherein automatically assessing risk further comprises:

performing a proximity analysis (see column 7 lines 22-25 and 54-60; column 8 line 67- column 8 line 2).

37. As per **claim 18**:

Federau does not disclose a method of claim 1, wherein the rating results for at least one peril are displayed on a map (see at least figure 4 for example).

38. As per **claim 19** :

Federau discloses a method of claim 1, further comprising:  
providing drilldown into details of at least a portion of the rating results (see column 11 lines 54-56)

39. As per **claim 20**:

Federau discloses a method of claim 1, further comprising:  
providing exporting of the rating results (see column 6 lines 53-58).

40. As per **claim 23**, :

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Federau discloses a method of claim 1, wherein assessing risk associated with the location further comprises:

assessing risk based on at least one of unbound policies and bound policies (see column 12 lines 47-52).

41. As per **claims 42 and 83**, these claims are rejected under the same rationale as **claim 1** above.

42. As per **claims 43 and 93**, these claims are rejected under the same rationale as **claim 2** above.

43. As per **claims 44 and 94**, these claims are rejected under the same rationale as **claim 3** above

44. As per **claims 51 and 96**, these claims are rejected under the same rationale as **claim 10** above.

45. As per **claims 52 and 97**, these claims are rejected under the same rationale as **claim 11** above.

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46. As per **claims 53 and 98**, these claims are rejected under the same rationale as **claim 12** above.

47. As per **claims 54 and 99**, these claims are rejected under the same rationale as **claim 13** above.

48. As per **claims 55 and 100**, these claims are rejected under the same rationale as **claim 14** above.

49. As per **claims 58 and 103**, these claims are rejected under the same rationale as **claim 17** above.

50. As per **claims 59 and 104**, these claims are rejected under the same rationale as **claim 18** above.

51. As per **claims 60 and 105**, these claims are rejected under the same rationale as **claim 19** above.

52. As per **claims 61 and 106**, these claims are rejected under the same rationale as **claim 20** above.

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53. As per **claims 64 and 107**, these claims are rejected under the same rationale as **claim 23** above.

54. Claims 15-16, 56-57 and 101-102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Federau in view of Hargrove Jr. et al., US 5897619 (hereinafter Hargrove)

55. As per **claim 15**:

Hargrove discloses a method of claim 10, further comprising:  
automatically geocoding the selected location (see at least column 8 lines 15-65, wherein there is disclosed a field ID automatically assigned).

56. As per **claim 16**:

Hargrove discloses a method of claim 10, wherein the location can not be automatically geocoded and further comprising:  
providing use of a spatial interface to manually geocode the location (see at least column 8 lines 15-65 wherein there is disclosed a manual selection of fields).

57. As per **claims 56 and 101**, these claims are rejected under the same rationale as **claim 15** above.

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58. As per **claims 57 and 102**, these claims are rejected under the same rationale as **claim 16** above.

### ***Response to Arguments***

59. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

60. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN D. DONLON whose telephone number is (571)270-3602. The examiner can normally be reached on Monday through Friday 7:30am to 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyle can be reached on (571) 272-6746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. D. D./  
Examiner, Art Unit 3695  
April 20, 2011

/Narayanswamy Subramanian/  
Primary Examiner, Art Unit 3695